

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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JOHN QUINTERO,

Plaintiff,

v.

CHARLES DANIELS, et al.,

Defendants.

Case No. 3:22-cv-00390-ART-CLB

ORDER

This action began with a *pro se* civil-rights complaint filed under 42 U.S.C. § 1983 by a state prisoner. Plaintiff has applied to proceed *in forma pauperis*. (ECF No. 1.) Based on the financial information provided, the Court finds that Plaintiff is unable to prepay the full filing fee in this matter.

The Court entered a screening order on January 12, 2023. (ECF No. 7.) The screening order imposed a 90-day stay and the Court entered a subsequent order in which the parties were assigned to mediation by a court-appointed mediator. (ECF Nos. 7, 9.) The Office of the Attorney General has filed a status report indicating that settlement has not been reached and informing the Court of its intent to proceed with this action. (ECF No. 12.)

For the foregoing reasons, **IT IS ORDERED** that:

1. Plaintiff's application to proceed *in forma pauperis* (ECF No. 1) is **GRANTED**. Plaintiff shall not be required to pay an initial installment of the filing fee. If this action is dismissed, the full filing fee must still be paid under 28 U.S.C. § 1915(b)(2).

2. Plaintiff is permitted to maintain this action to conclusion without the necessity of prepayment of any additional fees or costs or the giving of security therefor.

3. Under 28 U.S.C. § 1915, as amended by the Prison Litigation Reform Act, the Nevada Department of Corrections will forward payments from the account of **JOHN R. QUINTERO, #93782** to the Clerk of the United States District Court, District of Nevada,

1 20% of the preceding month's deposits (in months that the account exceeds \$10) until
2 the full \$350 filing fee has been paid for this action.

3 5. Service must be perfected within 90 days from the date of this order under
4 Federal Rule of Civil Procedure 4(m).

5 6. Subject to the findings of the screening order (ECF No. 7), within 21 days
6 of the date of entry of this order, the Attorney General's Office shall file a notice advising
7 the Court and Plaintiff of: (a) the names of the defendants for whom it accepts service;
8 (b) the names of the defendants for whom it does not accept service, and (c) the names
9 of the defendants for whom it is filing the last-known-address information under seal. As
10 to any of the named defendants for whom the Attorney General's Office cannot accept
11 service, the Office shall file, under seal, but shall not serve the inmate Plaintiff the last
12 known address(es) of those defendant(s) for whom it has such information. If the last
13 known address of the defendant(s) is a post office box, the Attorney General's Office shall
14 attempt to obtain and provide the last known physical address(es).

15 7. If service cannot be accepted for any of the named defendant(s), Plaintiff
16 shall file a motion identifying the unserved defendant(s), requesting issuance of a
17 summons, and specifying a full name and address for the defendant(s). For the
18 defendant(s) as to which the Attorney General has not provided last-known-address
19 information, Plaintiff shall provide the full name and address for the defendant(s).

20 8. If the Attorney General accepts service of process for any named
21 defendant(s), such defendant(s) shall file and serve an answer or other response to the
22 first amended complaint (ECF No. 5) within 60 days from the date of this order.

23 9. Plaintiff shall serve upon defendant(s) or, if an appearance has been
24 entered by counsel, upon their attorney(s), a copy of every pleading, motion, or other
25 document submitted for consideration by the Court. If Plaintiff electronically files a
26 document with the Court's electronic-filing system, no certificate of service is required.
27 Fed. R. Civ. P. 5(d)(1)(B); Nev. Loc. R. IC 4-1(b); Nev. Loc. R. 5-1. However, if Plaintiff
28 mails the document to the Court, Plaintiff shall include with the original document

1 submitted for filing a certificate stating the date that a true and correct copy of the
2 document was mailed to the defendants or counsel for the defendants. If counsel has
3 entered a notice of appearance, Plaintiff shall direct service to the individual attorney
4 named in the notice of appearance, at the physical or electronic address stated therein.
5 The Court may disregard any document received by a district judge or magistrate judge
6 that has not been filed with the Clerk, and any document received by a district judge,
7 magistrate judge, or the Clerk that fails to include a certificate showing proper service
8 when required.

9 10. This case is no longer stayed.

10 11. The Clerk of the Court will: (1) **SEND** a copy of this order to the Finance
11 Division of the Clerk's Office and to the attention of **Chief of Inmate Services for the**
12 **Nevada Department of Corrections** at formapauperis@doc.nv.gov; and
13 (2) electronically **SERVE** a copy of this order and a copy of Plaintiff's first amended
14 complaint (ECF No. 5) on the Office of the Attorney General of the State of Nevada by
15 adding the Attorney General of the State of Nevada to the docket sheet. This does not
16 indicate acceptance of service.

17 **DATED:** April 13, 2023.

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UNITED STATES MAGISTRATE JUDGE